



U. S. WEATHER BUREAU, FEBRUARY 23—
Last 24 hours' rainfall, .00; Temperature, max.
76; min. 64; Weather, fair.

SUGAR—96° Test Centrifugals, 5.0625; Per
Ton, \$101.25. 88 Analysis Beets, 15s 3d; Per
Ton, \$106.20.

Established July 2, 1856.

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HONOLULU, HAWAII TERRITORY, FRIDAY, FEBRUARY 24, 1905.

PRICE FIVE CENTS.

COMMITTEE TO CONSIDER ALL COUNTY BILLS

**Both Houses of the Legislature Take
First Steps Looking to Much
Talked-of Legislation.**

The Senate yesterday took the first definite step looking to some kind of a solution of the county legislation problem. A few days ago Senator Achi introduced a resolution providing for the appointment of a joint committee of both Houses to consider the whole matter of county legislation, taking cognizance of all bills relating to the matter in any way, and to report in ten days. This resolution provided that the committee consist of five members from each House, representative of all the islands.

The House did not exactly approve the Achi resolution, in that that body wanted a committee of six from each House, and so it provided that its special committee should consist of six members. This called for a conference, of course, and the conference committee reported to the Senate yesterday, giving the House its way in the matter but providing practically for the same kind of a committee as was called for by the Achi resolution. The Senate at once adopted the report of its conferees, and President Isenberg appointed the special committee called for under the resolution. This was also done in the House and the county matter, now, should be reached within the next two weeks.

A lot of time was wasted in the House yesterday discussing a purely outside matter, and a lot of eloquence, too, for after all the report of the Judiciary Committee on the Code Commission bill was adopted. The House, however, is looked to depart, now and again, from the straight and narrow way of business. It would not be the House if it did not do that.

LEGISLATURE---SEVENTH DAY.

THE SENATE.

The Senate took its first definite step toward county legislation yesterday in the appointment by President Isenberg of a committee consisting of Dowsett, Lane, Hewitt, Woods, Hayselden and Gandall to have charge, in conjunction with a like committee from the House, of all county bill legislation, and to report to the Senate in ten days from the date of its appointment. This committee was appointed in accordance with the terms of a substitute for the Achi concurrent resolution, reported from the conference committee by Senator Wilcox.

Senator Dickey saved his anti-spitting bill, which had been adversely reported from the Public Health Committee, by a motion to lay it on the table on second reading, to await the report of the Board of Health.

AN ADVERSE REPORT.

The report of the Health Committee against the Dickey bill was as follows:
Honolulu, Feb. 23, 1905.
Honorable D. P. R. Isenberg, President of the Senate.

Sir: Your Health Committee to which was referred Senate Bill No. 4, entitled "An Act to Regulate Spitting," begs to report as follows:

While your committee feels that the object of the bill may be good, we doubt the ability of the authorities to enforce its provisions more particularly those in regard to spitting by persons afflicted with tuberculosis into receptacles which they would by virtue of this act be forced to carry about with them on the public streets.

And, furthermore, your committee feels, that the difference between spitting on the sidewalk of any street or road and spitting on the street itself would be so slight that the passage of this bill in its present form would be productive of little or no results, and we therefore recommend the bill be laid on the table.

Respectfully submitted,

S. E. KALAMA, Chairman,
J. M. DOWSETT,
J. T. BROWN.

The Judiciary Committee reported a substitute for Senate Bill 29, which was laid on the table to be considered with the bill.

BILLS AND RESOLUTIONS.

Senator Paris introduced the following:

Be it resolved, that the following items be inserted in the Loan Bill: \$15,000 for a court house with sheriff's office and jury rooms, jail and water-tanks in the District of North Kona, Hawaii.

(Continued on Page 3.)

THE HOUSE.

The greater part of the time of the House of Representatives yesterday morning was spent in thrashing over well-threshed straw. It was a recrudescence of the Davis case which occupied the members.

Rep. Andrade, chairman of the Judiciary Committee, reported for his committee that no action was advised along the line asked by George A. Davis in his recent letter to the House. The committee found that the Code Commission had only done its duty and the appeal to strike from the Revised Laws the reference to the disbarment proceedings was not therefore countenanced.

A debate ensued on a motion by Rep. Coelho to refer the report back to the committee with instructions to hear what Davis had to say.

The motion failed by a vote of 14 to 13, and the committee's report was adopted on a similar division.

The report of the Judiciary Committee recommending the passage of the Revised Laws was adopted.

APPROPRIATIONS RECOMMENDED.
The Committee on Public Lands and Internal Improvements recommended the reference of the \$15,000 appropriation for school buildings at Waiakua to the Education Committee.

The \$26,000 for repairs to the Kaliai-wai-Kaulakole road was recommended.

For embankment of the Waimea river \$11,000 was recommended instead of the \$20,000 asked.

The relocating the Kaawali road to Kaula gulch \$20,000 was recommended.

For opening a new road from Mahi-kona to Kawaihae-kai \$25,000 was asked, but the committee considered the expense unnecessary and recommended the resolution tabled.

For roads and bridges in Hanalei \$20,000 was recommended, but a second item of \$20,000 was struck out as unnecessary.

A letter from Secretary Cabalan of the Trades and Labor Council asking for copies of all bills introduced was filed, the secretary being instructed to comply with the request.

LIST OF EMPLOYEES.

During the sitting of the House reports giving full particulars of employees and salaries were received from the following officers: Secretary Atkinson, Land Commissioner Pratt, Superintendent of Public Instruction Atkinson, Treasurer Campbell, Chief Thurston of the Fire Department, O. L. Sorenson of the Survey Department, President Pihman of the Board of

(Continued from page 3.)

PRATT TO QUALIFY AS NEW POSTMASTER BEFORE COMING BACK

(Special Cable to the Advertiser.)

WASHINGTON, Feb. 23.—J. G. Pratt has been confirmed as postmaster of Honolulu. He intends to qualify here.

WALKER.

AN INEQUITABLE CAUSE THROWN OUT OF COURT

**Argument of Counsel Cut Short---Supreme Court
Summarily Dismisses Dee vs. Smith.
Clean Hands Not Shown.**

Indignation was evident in the tones of the Supreme Court justices yesterday afternoon, when one by one they gave their reasons for summarily throwing the equity suit of Lawrence H. Dee against W. H. Smith out of court. As indicated by the remarks of the Chief Justice, the court regarded any deliberation over its decision a waste of time. J. A. Magoon and J. Lightfoot appeared for the plaintiff, and S. M. Ballou for the defendant.

Mr. Lightfoot was making the closing argument for Dee when, at 2:30 o'clock, Chief Justice Frear with a gesture signified that time was up. The speaker asked for just a minute longer, but was informed it was not necessary. Mr. Lightfoot had just been saying that Justice Wilder drew a certain deed, and that the defendant's counsel had tried "to drag the ermine from the bench and besmirch it in the mud."

Mr. Ballou, in reply to this, only remarked that it was not in evidence that Mr. Wilder drew that deed.

The official record of the decision orally rendered by the members of the court appears below. A history of the case, taken from the pleadings and Judge Gear's decree now affirmed, will show the full bearing of the decision.

HISTORY OF THE CASE.

"Lawrence H. Dee vs. Wm. H. Smith, bill to remove cloud from title," the case is entitled. It arises from the celebrated Kamalo Sugar Co. case, in which Judge Humphreys made a decree on June 9, 1902, awarding Harvey R. Hitchcock and others (including Dee) \$39,781.88 against Frank Hustace, J. J. Egan and Frank H. Foster.

Hustace paid into court his full one-third of the amount of judgment. Later he made conveyances of property to his brother, Charles Hustace, Jr., and J. F. Morgan—a fact worth noting here only because, in the case of Dee vs. Smith, these conveyances were introduced as collateral evidence to show that the conveyance by Hustace to Smith there attacked was part of a scheme to defraud creditors.

ADVICE TO HUSTACE.

Some time after the payment by Hustace of his share of the Kamalo judgment, Dee went to Hustace and, saying to him "it would be a shame" that he (Hustace) should be compelled to pay the entire judgment, advised him to make conveyances of his property so as to avoid the levying of executions thereon. When this was done, it was represented, Hustace could join with Dee and the other plaintiffs in the Kamalo case to bring suits against Egan and Foster. Egan's conveyance of his property was to be attacked as fraudulent.

Attorney Magoon also urged Hustace to the same course and went with him and Dee to the law office of Robertson & Wilder to enlist that firm in the scheme. "Both Dee and his attorney, Mr. Magoon," as Judge Gear's decree related, "urged Mr. Hustace to convey away his property so that the Kamalo Sugar Co., represented by both Mr. Dee and Mr. Magoon, could proceed against the property of Messrs. Foster and Egan, it being their claim that no proceedings could be taken against either Foster or Egan until an execution against Mr. Hustace had been returned nulla bona."

Mr. Robertson refused to have anything to do with Mr. Magoon's proposition, he having defended Egan and Foster as well as Hustace in the Kamalo litigation. In the hearing before Gear, Magoon said part of his proposition explained in Robertson & Wilder's office was that Hustace was to give a bond for the entire judgment, which should be operative in the event that nothing could be got out of Foster and Egan. Robertson denied having heard any such thing from Magoon. As shown at the hearing, the proposed bond would have been fraudulent as against other creditors of Hustace than the Kamalo claimants.

THE CLASHING DEEDS.

Three months after the decree by Judge Humphreys already mentioned, Hustace conveyed to W. H. Smith a piece of land containing 13 acres on the northwest side of Nuuanu Valley, the consideration named in the deed being one dollar. The same land was levied upon, under execution on the Kamalo judgment, and sold at auction in front of the police station on January 8, 1903. L. H. Dee was the purchaser for \$1000 and received a deed of the property from A. M. Brown, High Sheriff of the Territory.

SMITH'S PURCHASE.

Smith, in his answer to Dee's complaint, gives an explanation

(Continued on page 3.)

BIG BATTLE IN PROSPECT

**St. Petersburg Expects to Hear
Soon of Stirring Events
on Fighting Line.**

(ASSOCIATED PRESS CABLEGRAMS.)

ST. PETERSBURG, Feb. 24.—The absence of dispatches from General Kuropatkin is interpreted to mean that great events are impending.

NORTH SEA COMPROMISE.

PARIS, Feb. 24.—It is stated that the decision in the North Sea case will be announced Saturday. It is a compromise.

THE RUSSIANS PLEASED.

ST. PETERSBURG, Feb. 24.—The news from Paris about the findings of the North Sea Commission has been received with quiet exultation.

RUSSIAN WARSHIPS SEEN.

ADEN, Feb. 24.—Five Russian warships have been sighted off Nogdishu.

AFTERNOON REPORT.

BERLIN, Germany, Feb. 23.—The Emperor of Russia has decided to continue the war with Japan with the utmost energy.

The domestic situation is reported to be within the control of the authorities.

BODIES FROM THE MINE.

BIRMINGHAM, Ala., Feb. 24.—Ninety-two bodies have been recovered from the exploded mine.

NO BAIL FOR BLUEBEARD.

CHICAGO, Feb. 24.—Hoch, the modern Bluebeard, has been held without bail.

THE STRIKE IN POLAND IS MARKED BY VIOLENCE

**Russian Government Perplexed by the Rail-
road Situation---More Authors
Are Put in Prison.**

WARSAW, Feb. 24.—The strike is worse and is extending over all railway lines. The strikers are resorting to violence and the Government is puzzled over how to proceed.

WRITERS IN CUSTODY.

MOSCOW, Feb. 24.—Andrieff and two other writers have been arrested.

AFTERNOON REPORT.

MOSCOW, Feb. 23.—The funeral of the Grand Duke Sergius, killed by an assassin, took place today from the Chandoft monastery. The ceremony was attended by the leaders of the nation and was very impressive.

WARSAW, Feb. 23.—The workmen have struck in all the factories of the Czarinkowska district and disturbances have arisen. Employees of the Lodz Kaluska railroad have struck.

RIVER AND HARBOR BILL.

WASHINGTON, Feb. 24.—The House has passed the River and Harbor bill. It carries \$17,000,000.

A DANISH WHIPPING POST.

COPENHAGEN, Feb. 24.—A whipping post bill has been introduced in the Rigsdag.